

**EXHIBIT B**  
**CLAUDIA DEGONZALEZ DEPOSITION**  
**EXCERPTS**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DEBRA SANTACRUZ )  
PLAINTIFF, )  
VS. ) CIVIL ACTION NO.  
21-CV-00719-FB )  
VIA METROPOLITAN TRANSIT, )  
DEFENDANT. )

**COPY**

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ORAL DEPOSITION OF  
CLAUDIA DE GONZALEZ  
JUNE 14, 2022

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ORAL DEPOSITION of CLAUDIA DE GONZALEZ, produced  
as a witness at the instance of the Plaintiff, and  
duly sworn, was taken in the above-styled and numbered  
cause on the 14th day of June, 2022, from 9:31 a.m. to  
10:14 a.m., before Sharon L. McDonald, CSR, in and for  
the State of Texas, reported by machine shorthand, at  
the offices of Dykema Gossett, PLLC, 112 E. Pecan  
Suite 1800, San Antonio, Texas, pursuant to the  
Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto.

1 that training once a year or once a quarter or how would  
2 that work?

3 A Biannual.

4 Q And after COVID, will it still be biannual?

5 A Yes, sir.

6 Q Would you turn to the next page, please?

7 There's no page numbers, but we can -- if we go by --  
8 anyway, I can walk through it without having to refer to  
9 page numbers, I think. So there's a section on this page  
10 that says Exhibit G, time and attendance spreadsheet and  
11 policy. Do you see that section?

12 A Time and attendance, yes.

13 Q And then at the bottom of that paragraph it  
14 says:

15 Assuming that Ms. Santacruz was  
16 disabled, which VIA denies, Ms. Santacruz never  
17 informed anyone at VIA of this, nor did her  
18 physician's statement indicate that she required  
19 accommodations like short breaks to walk around.

20 Did I read that correctly?

21 A Yes.

22 Q The first part of that -- the first part of  
23 that, Santacruz never informed anyone of this disability,  
24 how do you know that to be -- when you wrote this, how  
25 did you know that to be so?

1           A     Her supervisor, the paratransit administrator  
2 and the manager were not aware.

3           Q     So you rattled off a lot of job titles there.  
4 Does that mean Blanca Dominguez --

5           A     Yes.

6           Q     -- Sylvia Castillo and Daniel --

7           A     Daniel Chaipan.

8           Q     They all said the same thing?

9           A     Yes. They were not aware.

10          Q     And you mentioned her physician's statement did  
11 not indicate accommodations like short break to walk  
12 around. Did you look at physician's statements when you  
13 wrote this?

14          A     (No verbal response.)

15          Q     Or were you relying on someone to tell you what  
16 the physician's statement said?

17          A     I saw her FMLA paperwork and notes provided for  
18 her work release.

19          Q     We're only asking you today what you recall,  
20 your best memory. And you're able to provide that; is  
21 that correct?

22          A     I'm sorry. Can you repeat that again?

23          Q     We're only asking you today to provide to us  
24 what your best recollection is. I'm not asking you to  
25 remember everything, just whatever you remember today.

1 Q Did Chaipan or Castillo tell you that Santacruz  
2 had abandoned her job?

3 A Daniel Chaipan instructed Ms. Dominguez[sic] to  
4 return to work.

5 Q And you base that on what Daniel Chaipan told  
6 you?

7 A Yes, sir.

8 Q Because you never talked to Santacruz yourself?

9 A No. Ms. Santacruz, no.

10 Q What did Castillo tell you?

11 A She asked her to return to work.

12 Q And, again, you only know what Castillo told  
13 you, correct?

14 A Yes.

15 Q In a perfect world, would you have talked to  
16 Santacruz and asked her what happened?

17 MS. MCELROY: Objection, calls for  
18 speculation.

19 Q (BY MR. CRANE) You can answer.

20 A You asked in a perfect world.

21 Q In a perfect world, perfect investigation,  
22 everything is the way you want it to be, based on your  
23 training and experience, would you have wanted to talk to  
24 Santacruz before you sent this letter?

25 MS. MCELROY: Objection, calls for



1 speculation.

2 A I would have liked to have talked to her.

3 Q (BY MR. CRANE) Do you believe the resignation or  
4 termination of Santacruz, that everything was done the  
5 way it should have been?

6 A Ms. Santacruz abandoned her job.

7 Q So you believe -- your answer would be yes,  
8 everything was done the way it should have been done?

9 A They asked her to return to work and she  
10 abandoned her job.

11 Q So on that same page further down, the sentence  
12 starts:

13 On April 23, 2019, Santacruz spoke with  
14 Sylvia Castillo. At this time, Ms. Castillo had no  
15 knowledge of any alleged termination effort against  
16 Santacruz and asked Santacruz to return to work.

17 You may have already said this, but I just  
18 want to make sure the record is clear. So this sentence  
19 is based on your conversation with Castillo?

20 A Yes.

21 Q Is there a form at VIA that a person should fill  
22 out when they want to request an accommodation?

23 A They can speak to the ADA manager.

24 Q So if somebody wants to request an  
25 accommodation, is that what they should do, talk to the

1 question.

2 And then you go on down: Is employee  
3 unable to perform any of her job functions due to this  
4 condition?

5 Yes.

6 If so, identify the job functions the  
7 employee is unable to perform.

8 Do you see where I'm reading?

9 And then the doctor's answer is: When  
10 flareup occurs, patient has trouble sitting for prolonged  
11 periods of time.

12 Do you see that portion?

13 A Yes. It cuts off.

14 Q If you go to the second one, it's more readable,  
15 the second certification. I can help you.

16 So here's the second certification, and if  
17 you go to right here, to this portion there, under  
18 Paragraph 3, the doctor's notes say, When flareups occur,  
19 patient has trouble sitting for prolonged periods of  
20 time. Do you see that section?

21 A Yes.

22 Q When you saw that in 2019, did you -- did you  
23 notice this in 2019 when you sent these papers to the  
24 EEOC?

25 A I may have.

1 Q As a person who's trained in EEO and who  
2 provides EEO training, does this sound to you like  
3 someone who may need an accommodation?

4 A She may have needed.

5 Q What's your understanding of the purpose of an  
6 accommodation?

7 MS. MCELROY: Objection to the extent it  
8 calls for a legal conclusion.

9 A It helps the employee with additional help if  
10 need be.

11 Q (BY MR. CRANE) To perform a task at work; would  
12 that be fair to say?

13 A To perform a task at work.

14 Q After you saw this, did it occur to you to ask  
15 Blanca Dominguez or Sylvia Castillo or Daniel Chaipan  
16 whether Santacruz had trouble sitting for prolonged  
17 periods of time at work?

18 A I don't remember. I don't remember asking.

19 Q When you talked to Chaipan and Castillo and  
20 Blanca Dominguez, did they mention that Santacruz has  
21 trouble sitting for prolonged periods of time at work?

22 A All of the agents had a VariDesk, so all of the  
23 agents were able to sit or stand while working.

24 Q Did somebody mention that to you when you talked  
25 about Santacruz?